THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 1st day of August,2007

W.P.No.19060 of 2004

Between:-

A.P. State Wakf Board,
Rep. by Chief Executive Officer,
Haj House, Opposite Public
Gardens, Nampally,
Hyderabad … Petitioner

and

The Subordinate Judge, Nellore
and administrator of Dargah as per
Court Scheme, Hazrath Nayab
Rasool Rahamatullah, Nellore,
Nellore District … Respondent

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ORAL ORDER:

The issue that arises for consideration in this Writ Petition is no more *res integra* in view of the Judgment of a Division Bench of this Court dated 25-8-1987 in A.A.O. No.537 of 1986, wherein it was held as under:

> "15. The supplemental scheme formulated by the appellant consists of other provisions concerning staff and personnel required for the purpose, Chairman and Secretary of Board of Trustees, functions of the Board of Trustees, meetings and conduct of the business of the Board of Trustees, expenditure, right to sue and be sued. On a perusal of the Original Scheme, we find that it substantially covers the issues proposed in the supplemental scheme. The appellant may take into consideration the provision contained in clauses (4) to (12) of the original scheme and suggest if any modification of those clauses is necessary, or a fresh clause has to be added. So far as clause (12) of the original scheme is concerned, it shall be retained with the modification that the scheme could be modified by the Court upon the application of the A.P. Wakf Board or the Board of Trustees of the Sarai Mosque.
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> 16. We have broadly indicated above the manner in which the original scheme may be modified. The appellant is directed to file a fresh application before the Subordinate Judge for the modification of the original scheme bearing in mind our above directions. The application shall be considered by the learned Prl. Subordinate Judge, Vijayawada and after appropriate scrutiny and hearing the parties, the learned Subordinate Judge shall pass an order within two months from the date of receipt of the application from the appellant effecting necessary modifications to the original scheme."

In view of the above, this Writ Petition is also disposed of in terms of the Judgment of this Court dated 25-8-1987 in A.A.O. No.537 of 1986. No order as to costs.

01-8-2007

prk